

FILED

OCT 29 2003

CATHY A. CATTERSON
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

COUNTY OF OKANOGAN; EARLY
WINTERS DITCH COMPANY;
LUNDGREN LIMITED FAMILY
PARTNERSHIP; RON VANDERYACHT;
DAVID C. JONES; FRANCES A. KAUL,

Plaintiffs - Appellants,

v.

NATIONAL MARINE FISHERIES
SERVICE; U.S. FISH AND WILDLIFE
SERVICE; U.S. FOREST SERVICE; HARV
FORSGREN, Regional Forester; SONNY J.
O'NEAL, Supervisor Okanogan National
Forest,

Defendants - Appellees,

WASHINGTON ENVIRONMENTAL
COUNCIL, Washington Environmental
Council, Okanogan Wilderness League,
Center for Environmental Law and Policy,
American Rivers, Trout Unlimited, and
Defenders of Wildlife (for purposes of this
case are collectively referred to as WEC);
OKANOGAN WILDERNESS LEAGUE;
CENTER FOR ENVIRONMENTAL LAW
AND POLICY; AMERICAN RIVERS;
TROUT UNLIMITED; DEFENDERS OF

No. 02-35512

DC No. CV 01-192 RHW
E.D. Washington

ORDER

WILDLIFE,

Defendant-Intervenors - Appellees.

Before: REAVLEY,* TASHIMA, and PAEZ, Circuit Judges.

The memorandum filed August 14, 2003, is withdrawn and replaced by the authored opinion by Judge Reavley, filed concurrently with this order. The mandate shall issue forthwith.

* The Honorable Thomas M. Reavley, Senior United States Circuit Judge for the Fifth Circuit, sitting by designation.